Remarks

The Office Action mailed March 24, 2005 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 2-13 and 39-64 are pending in this application. Claims 1-38 stand rejected. Claims 1 and 14-38 have been canceled. Claims 39-64 have been newly added. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated March 24, 2005, for the above-identified patent application from June 24, 2005, through and including August 24, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $450.00 to cover this extension of time request also is submitted herewith.

No fee calculation sheet is needed for newly added claims however, if any fees are due, authorization to charge a deposit account in the amount of the fees due is submitted herewith.

The objection to the numbering of Claims 15-18, 20-25 and 37-38 under 37 CFR 1.126 is respectfully traversed. Claims 15-18, 20-25 and 37-38 have been canceled. The newly added claims comply with 37 CFR 1.126. For at least this reason, Applicants respectfully request that the objection to the numbering of the claims under 37 CFR 1.126 be withdrawn.

The rejection of Claims 1-13 and 19-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action asserts at page 3 that the method claims of the present application do "not reduce to a practical application in the technological arts (integration with computer/computer network to produce an output result)..." Accordingly, the Office Action rejects Claims 1-13 and 19-25 as being directed to non-statutory subject matter. Applicants respectfully traverse these assertions and this rejection. However, in an effort to address this

rejection, Applicants have canceled Claims 1 and 19-25. Claims 2-13 have been amended to depend from newly added Claim 39. Claim 39 satisfies Section 101.

More specifically, Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 39 is a method for managing business metrics for a business entity using a server system coupled to a database and at least one client system. Applicants submit that a method for managing business metrics for a business entity is a useful process that is considered to be within "the technological arts".

Moreover, Claim 39 recites a "method for managing business metrics for a business entity using a server system coupled to a database and at least one client system". Thus, Applicants submit that Claim 39 is directed to a useful process that is considered to be within "the technological arts". Furthermore, the method includes the steps of *"storing in the database a plurality of web pages including a create template web page...prompting a first user to create a customized template for receiving business metrics by displaying at the at least one client system* the create template web page...*the created template is stored within the database* for retrieval by a second user for inputting business metrics...*creating at least one hierarchy of entities within the business entity including storing within the database* a relationship between each of the business units included within the business entity...*displaying the created template at the at least one client system* to prompt the second user to enter business metrics relating a business unit linked to the created template, the second user enters business metrics into the data fields displayed on the created template...*storing the business metrics in the database...analyzing the business metrics stored in the database using the server system...*and *generating using the server a plurality of reports* including a first report showing business metrics for each business unit linked to the created template including each business unit having entered data and the hierarchical relationship between each business unit, and a second report combining business metrics entered into linked data fields for each business unit linked to the created template based

on the hierarchy of entities." (Emphasis added.) Thus, Claim 39 uses a computer system and a database to perform at least one step of the process. Claim 39 is therefore directed to a practical application in the technological arts.

Dependent Claims 2-13 depend from independent Claim 39, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 39.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1-13 and 19-25 be withdrawn.

The rejection of Claims 1-13, 14-18, 19-25, 26-29, 30-33, 34-37, 38-39 (this is renumber Claim 39) under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicants respectfully submit that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicants respectfully submit that the specification, including the Figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Moreover, Claims 1 and 14-38 have been canceled. Applicants have added Claims 39-64 and have amended Claims 2-13. Newly added Claims 39-64 and amended Claims 2-13 satisfy Section 112, first paragraph. Accordingly, Applicants respectfully request that the rejection of Claims 1-13, 14-18, 19-25, 26-29, 30-33, 34-37, 38-39 (renumber Claim 39) under Section 112, first paragraph, be withdrawn.

The rejection of Claims 1-12, 14-18 and 19-25 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

Applicants respectfully submit that Claims 1-12, 14-18 and 19-25 satisfy section 112, second paragraph. More specifically, Applicants respectfully submit that Claims 1-12, 14-18 and 19-25 are definite and particularly point out and distinctly claim the subject matter of the invention. However, in an effort to expedite prosecution of the present patent application, Applicants have canceled Claims 1 and 14-38, added Claims 39-64, and amended Claims 2-13.

Newly added Claims 39-64 and amended Claims 2-13 satisfy Section 112, second paragraph. Accordingly, Applicants respectfully request that the rejection of Claims 1-12, 14-18 and 19-25 under Section 112, second paragraph, be withdrawn.

The rejection of Claims 1-39 (renumber by the Office Action) under 35 U.S.C. § 102(e) as being anticipated by Daudenarde (U.S. Pub. No. 2001/0049694) is respectfully traversed.

Daudenarde describes a method, apparatus, and article of manufacture for a data warehouse programs architecture. Data in a database stored on a data storage device is transformed. A program template is retrieved that contains parameters. A business view is invoked with the program template. Under control of the business view, a transformation program is invoked that transforms source data to generate target data using the parameters provided in the program template.

Applicants have canceled Claims 1 and 14-38. Applicants have newly added Claims 39-64. Applicants have also amended Claims 2-13 to, among other things, depend from newly added Independent Claim 39.

Newly added Claim 39 is an independent claim that recites a method for managing business metrics for a business entity using a server system coupled to a database and at least one client system, the business entity having a plurality of business units, the method includes "storing in the database a plurality of web pages including a create template web page...prompting a first user to create a customized template for receiving business metrics by displaying at the at least one client system the create template web page, the create template web page prompts the first user to enter data including at least one of a template name, a frequency, a first due date, a contact name, and a template description, the create template web page prompts the first user to designate a number of data fields to be displayed on the created template and a type of business metrics to be entered into the created template, the created template is stored within the database for retrieval by a second user for inputting business metrics...creating at least one hierarchy of entities within the business entity including storing within the database a relationship between each of the business units included within the business entity...linking the

created template to the at least one hierarchy of entities for restricting access to the created template to only selected business units included within the business entity…linking selected data fields included within the created template to the at least one hierarchy of entities for combining data for a plurality of selected business units included within the business entity…displaying the created template at the at least one client system to prompt the second user to enter business metrics relating a business unit linked to the created template, the second user enters business metrics into the data fields displayed on the created template…storing the business metrics in the database…analyzing the business metrics stored in the database using the server system…and generating using the server a plurality of reports including a first report showing business metrics for each business unit linked to the created template including each business unit having entered data and the hierarchical relationship between each business unit, and a second report combining business metrics entered into linked data fields for each business unit linked to the created template based on the hierarchy of entities."

Daudenarde does not describe or suggest a method for managing business metrics for a business entity as recited in newly added Claim 39. Accordingly, Applicants respectfully submit that newly added Claim 39 is patentable over Daudenarde.

Claims 2-13 have been amended to depend from newly added independent Claim 39. When the recitations of Claims 2-13 are considered in combination with the recitations of Claim 39, Applicants submit that dependent Claims 2-13 likewise are patentable over Daudenarde.

Newly added Claim 40 is an independent claim that recites a "network-based system for managing business metrics for a business entity" wherein the server performs steps essentially similar to those recited in Claim 39. Thus, it is submitted that Claim 40 is patentable over Daudenarde for reasons that correspond to those given with respect to Claim 39. Accordingly, it is further submitted that Claim 40 is patentable over Daudenarde.

Claims 41-51 depend from newly added independent Claim 40. When the recitations of Claims 41-51 are considered in combination with the recitations of Claim 40, Applicants submit that dependent Claims 41-51 likewise are patentable over Daudenarde.

Newly added Claim 52 is an independent claim that recites an "apparatus for managing business metrics for a business entity" wherein the apparatus includes a computer programmed to perform steps essentially similar to those recited in Claim 39. Thus, it is submitted that Claim 52 is patentable over Daudenarde for reasons that correspond to those given with respect to Claim 39. Accordingly, it is further submitted that Claim 52 is patentable over Daudenarde.

Claims 53-63 depend from newly added independent Claim 52. When the recitations of Claims 53-63 are considered in combination with the recitations of Claim 52, Applicants submit that dependent Claims 53-63 likewise are patentable over Daudenarde.

Newly added Claim 64 is an independent claim that recites a "computer program embodied on a computer readable medium for managing business metrics for a business entity" wherein the program includes at least one code segment programmed to perform steps essentially similar to those recited in Claim 39. Thus, it is submitted that Claim 64 is patentable over Daudenarde for reasons that correspond to those given with respect to Claim 39. Accordingly, it is further submitted that Claim 64 is patentable over Daudenarde.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-39 (renumber by the Office Action) under 35 U.S.C. § 102(e) be withdrawn.

In view of the foregoing amendments and remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,

Daniel M. Fitzgerald
Reg. No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070